

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHENAE DAWKINS)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. _____
)	
INNOVATION TRUCK SERVICE,)	
LLC, FREEDOM SPECIALTY)	
INSURANCE COMPANY,)	
JOHN DOE #1-3, AND)	
ABC CORPORATION,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant Innovation Truck Service, LLC (“Innovation”) pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of Removal from the Superior Court of Fulton County, Georgia, showing the Court as follows:

1. Plaintiff filed this action against Innovation in the Superior Court of Fulton County, Georgia on February 21, 2023, where it was assigned civil action number 2023CV376508. A copy of all process, pleadings, and orders served upon Innovation is attached as Exhibit A.

2. Innovation was ostensibly served with the Complaint on April 4, 2023, through its registered agent, however no proof of service was filed with the Court

until April 19, 2023. This Notice of Removal is timely filed within the time allowed.

See 28 U.S.C. § 1446(b)(1).

3. Plaintiff is an individual who is a citizen of Georgia (Compl. ¶2).

4. Innovation has its principal place of business in New Jersey (Compl. ¶3). As such, Innovation is a citizen of New Jersey and is not a citizen of Georgia, for purposes of diversity jurisdiction in federal court.

5. Freedom Specialty Insurance Company is a foreign insurance company with its principal place of business in a state other than Georgia (Compl. ¶ 20) and is a citizen of Ohio.

6. Complete diversity of citizenship exists between the parties.

7. The amount in controversy exceeds \$75,000, exclusive of interests and costs. This cause of action arises out of a motor vehicle accident between the plaintiff and defendant Doe. Plaintiff has made a demand of over \$75,000 (Ex. B). As a result of the foregoing, this Court has jurisdiction pursuant to 28 U.S.C. § 1332 upon removal pursuant to 28 U.S.C. §§ 1441 and 1446.

8. Innovation will file a Notice of Filing of this Notice of Removal with the Clerk of the Superior Court of Fulton County, Georgia, with service on Plaintiff's counsel, as shown as Exhibit C.

9. All named defendants consent to this notice of removal.

10. Innovation will file its Answer with the Northern District once it has received the docket number to do so. In the meantime, Innovation has attached its answer filed in the Superior Court of Fulton, along with the e-file notification, with Exhibit A.

WHEREFORE, this Court now has jurisdiction over this action.

Respectfully submitted this 19th day of May, 2023.

FREEMAN MATHIS & GARY, LLP

/s/ *Marc H. Bardack*

MARC H. BARDACK

Georgia Bar No. 037126

mbardack@fmglaw.com

AARON MILLER

Georgia Bar No. 898190

amiller@fmglaw.com

*Attorneys for Defendant Innovation Truck
Service, LLC*

100 Galleria Parkway
Suite 1600
Atlanta, Georgia 30339
(770) 818-0000 - Phone
(833) 330-3669 – Fax

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing **NOTICE OF REMOVAL** to the clerk of court using the CM/ECF system, which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants. Counsel of record are:

N. John Bey, Esq.
Marta Batiste, Esq.
Bey and Associates
191 Peachtree Street
Suite 3200
Atlanta, GA 30303
john@beyandassociates.com
marta@beyandassociates.com

This 19th day of May, 2023.

/s/ Marc H. Bardack
MARC H. BARDACK
Georgia Bar No. 037126
mbardack@fmglaw.com
AARON MILLER
Georgia Bar No. 898190
amiller@fmglaw.com
*Attorneys for Defendant Innovation Truck
Service, LLC*

FREEMAN MATHIS & GARY, LLP
100 Galleria Parkway
Suite 1600
Atlanta, Georgia 30339
(770) 818-0000 - Phone
(833) 330-3669 - Fax